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APPLICATION N	₹O.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/044,036		01/11/2002	Christopher Kikta		7935
24335	7590	08/30/2005		EXAM	INER
		CROSS & JUDD	DIVECHA, KAMAL B		
,	H THIRL N STREE	O CENTER ET. N.W.	ART UNIT	PAPER NUMBER	
		MI 49503-2487	2151		
			DATE MAILED: 08/30/2005		

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary 10/044,036	1							
## Examiner ## CAMAL B. DIVECHA		Application No.	Applicant(s)					
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1) Responsive to communication(s) filed on 1/11/2002. 2a) This action is FINAL. 2b) This action is non-final. 3 Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under Ex parte Quayle, 1935 C.D. 11, 453 O.G. 213. Disposition of Claims 4) Claim(s) 1-66 is/are pending in the application. 4a) Of the above claim(s) is/are withdrawn from consideration. 5) Claim(s) is/are allowed. 6) Claim(s) is/are ejected. 7) Claim(s) is/are ejected. 7) Claim(s) is/are esubject to restriction and/or election requirement. Application Papers 9) The specification is objected to by the Examiner. 10) The drawing(s) filed on is/are: a) cacepted or b) objected to by the Examiner. Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a). Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d). 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152. Priority under 35 U.S.C. § 119 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f). a) All b) Some c) None of: 1. Certified copies of the priority documents have been received. 2. Certified copies of the priority documents have been received in Application No. 3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)). *See the attached detailed Office action for a list of the certified copies not received. Attachment(s) 1) Notice of Draftsperson's Patent Drawing Review (PTO-948) 3) Olione of Draftsperson's Patent Drawing Review (PTO-149) 1) Notice of Informal Patent Application (PTO-152) 6) Other.	THE MAILING DATE OF THIS COMMUNICATION. - Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication. - If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely. - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication. - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any							
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Application/Control Number: 10/044,036

Art Unit: 2151

DETAILED ACTION

Claims 1-66 are pending in this Office Action.

Election/Restrictions

Restriction to one of the following inventions is required under 35 U.S.C. 121:

- Claims 1-31, drawn to controlling operations of application controllers and control system, classified in class 709, subclass 244.
- II. Claims 32-42, drawn to monitoring and polling the controllers and/or devices to check the status of the devices in the network, classified in class 709, subclass 224.
- III. Claims 43-66, drawn to configuring application controllers and configuring a control system, classified in class 709, subclass 220.

The inventions are distinct, each from the other because of the following reasons:

Inventions I and II are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention II has separate utility such as monitoring, network access regulating and testing and/or polling the devices to report the status of the devices. See MPEP § 806.05(d).

Inventions I and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as configuring a control system for automated applications in a building environment by downloading an appropriate software image into the device. See MPEP § 806.05(d).

Inventions II and III are related as subcombinations disclosed as usable together in a single combination. The subcombinations are distinct from each other if they are shown to be separately usable. In the instant case, invention III has separate utility such as configuring a control system for automated applications in a building environment by downloading an appropriate software image into the device. See MPEP § 806.05(d).

Because these inventions are distinct for the reasons given above and have acquired a separate status in the art as shown by their different classification, restriction for examination purposes as indicated is proper.

Because these inventions are distinct for the reasons given above and the search required for group I is not required for group II and III, and search required for group II is not required for group III, as such it creates serious administrative burden on the examiner. Therefore restriction for examination purposes as indicated is proper.

Applicant is advised that the reply to this requirement to be completed must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

Conclusion

In accordance with 35 U. S. C. 133, a shortened statutory period of one month (not less than 30 days) is hereby set forth to this office action. See MPEP 710.02(b).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to KAMAL B. DIVECHA whose telephone number is 571-272-5863. The examiner can normally be reached on Flex schedule 8 hr days (10.00am-6.30pm).

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If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on 571-272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

August 23, 2005.